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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,854	10/07/2003	Manish C. Kanjee	MLP 7234	5815

321 7590 05/24/2005

SENNIGER POWERS LEAVITT AND ROEDEL
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS, MO 63102

EXAMINER	
COZART, JERMIE E	

ART UNIT	PAPER NUMBER
3726	

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/680,854	KANJEE ET AL.	
	Examiner	Art Unit	
	Jermie Cozart	3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-11,13,14 and 16-23* is/are rejected.

7)☒ Claim(s) *3,12,15 and 24* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/7/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 5, 7-11, 13, 14, 16, 17, and 19-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson (6,807,903).

Anderson discloses a truss fabrication system (10) for fabricating trusses, each truss having at least two truss members and at least one connector for connecting the truss members. The system has a table top (12) defining a worksurface on which the truss members and connectors may be positioned, a gantry press (14) which is movable relative to the table top and configured to press the at least one connector into the truss members to join the truss members, and a plurality of legs (34) for supporting the table top at a position spaced above an underlying floor and adjustable in height such that the legs may be selectively manipulated to place the table top at a level orientation while the legs are fixedly attached to the floor. Each leg (34) has a leg member (38) having a threaded opening (i.e. opening in plate 46) at one end thereof, a rod (44) having a threaded first end and a second end, the first end being received through the threaded opening such that the rod is selectively rotatable within the threaded opening to adjust a

height of the leg so as to adjust the height of the table top above the floor. A collar (50) is provided having at least one opening (51) therein, the collar being fixedly attached to the floor via plate 40, wherein the second end of the rod is received through the opening (51) in the collar (50) and is rotatably movable with respect to the collar. The rod is formed to receive a tool (i.e. nut 53) for selectively rotating the rod to adjust the length of the leg. An anchor plate (40) is provided, wherein the collar (50) is fixedly attached to the anchor plate, and the anchor plate is fixedly attached to the floor via plate (48). The height of the leg (38) can be adjusted after the collar is affixed to the floor. The rod includes an adjusting nut (53) fixed to the rod for use in rotating the rod. The adjusting nut (53) is positioned on the rod between the leg member and the collar, and transfers the weight of the table (12) onto the collar. The collar (50) is fixedly attached to the underlying floor via plate (40). The leg member comprises an end cap (46) positioned at the end of the leg member, wherein said threaded opening is located in the end cap. The leg member (38) is a rectangular steel tube. *See column 4, line 4, - column 5, line 31, and figures 1-6 for further clarification.*

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 4-11, 13, and 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAdoo (6,560,858) in view of Anderson (2002/0014573).

McAdoo discloses a truss fabrication system (10) for fabricating trusses, each truss having at least two truss members and at least one connector for connecting the truss members. The system has a table top (12) defining a worksurface on which the truss members and connectors may be positioned; a gantry press (14) which is movable relative to the table top and configured to press the at least one connector into the truss members to join the truss members and a plurality of legs (26) for supporting the table top at a position spaced above an underlying floor and adjustable in height such that the legs may be selectively manipulated to place the table top at a level orientation while the legs are fixedly attached to the floor. Each leg has a leg member having a threaded opening at one end thereof; a rod (not labeled) having a threaded first end and a second end, the first end being received through the threaded opening such that the rod is selectively rotatable within the threaded opening to adjust a height of the leg so as to adjust the height of the table top above the floor. The rod is formed to receive a tool (i.e. nuts, not labeled in fig. 4) for selectively rotating the rod to adjust the length of the leg, the rod includes an adjusting nut (not labeled fig. 4) fixed to the rod for use in

rotating the rod. The leg member comprises an end cap (not labeled in fig. 4) positioned at the end of the leg member, the threaded opening is located in the end cap. The leg member (26) is a rectangular steel tube. *See entire document especially figures 1 and 4 for further clarification.*

McAdoo, however, does not disclose a collar with at least one opening therein, the collar being fixedly attached to the floor, wherein the second end of the rod is received through the opening in the collar and is rotatably movable with respect to the collar, the height of said leg can be adjusted after said collar is affixed to the floor, the adjusting nut being positioned on the rod between the leg member and the collar, the adjusting nut transferring the weight of the table onto the collar, the collar being fixedly attached to the underlying floor.

Anderson discloses a collar (12) with at least one opening (16) therein, the collar being fixedly attached to the floor via fasteners (34), wherein the second end of a rod (14) is received through the opening in the collar and is rotatably movable with respect to the collar, the height of the leg of the machine (30) can be adjusted the collar is affixed to the underlying floor (37). The adjusting nuts (24, 26) are positioned on the rod between the leg member and the collar, wherein the adjusting nuts (24, 26) transfer the weight of the machine (30) onto the collar (12). *See page 2, paragraph [0026] – [0029], and figures 1 and 2 for further clarification.*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to substitute the adjustable the foot of McAdoo with a leveler system having a collar with at least one opening therein, the collar being fixedly attached to the

floor, wherein the second end of the rod is received through the opening in the collar and is rotatably movable with respect to the collar, such that the height of the leg can be adjusted after the collar is affixed to the floor and the adjusting nut is positioned on the rod between the leg member and the collar, wherein the adjusting nut transfers the weight of the table onto the collar, in light of the teachings of Anderson, in order to effectively level a machine.

Regarding **claims 6** and **18**, McAdoo/Anderson discloses the adjusting nut being fixed to the rod.

McAdoo/Anderson, however, does not expressly disclose the adjusting nut being welded to the rod.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to weld the adjusting nut to the rod because Applicant has not disclosed that welding the adjusting nut to the rod provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the way in which the adjusting nut is attached to the rod because the adjusting is effectively secured to the rod.

Therefore, it would have been an obvious matter of design choice to modify McAdoo/Anderson to obtain the invention as specified in claims 6 and 18.

Allowable Subject Matter

5. Claims 3, 12, 15, and 24 are objected to as being dependent upon respective rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of their respective base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference cited on the PTO-892 is cited to show a truss table apparatus.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 571-272-4528. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jermie Cozart
Examiner
Art Unit 3726

May 17, 2005